

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



FRANK D. JANOWICZ,)	
)	
Charging Party,)	Case No. LA-CO-52-S
)	
v.)	Request for Reconsideration
)	PERB Decision No. 1043-S
CALIFORNIA STATE EMPLOYEES)	
ASSOCIATION, LOCAL 1000,)	PERB Decision No. 1043a-S
)	
)	May 12, 1994
Respondent.)	

Appearances: Frank D. Janowicz, on his own behalf; Michael D. Hersch, Attorney, for California State Employees Association, Local 1000.

Before Blair, Chair; Caffrey and Garcia, Members.

DECISION

GARCIA, Member: This case is before the Public Employment Relations Board (PERB or Board) on a request for reconsideration filed by Frank D. Janowicz (Janowicz) of the Board's decision in California State Employees Association. Local 1000 (Janowicz) (1994) PERB Decision No. 1043-S. In that decision, the Board upheld the administrative law judge's (ALJ) dismissal for failure to state a prima facie violation of section 3915.5(b) of the Ralph C. Dills Act (Dills Act).¹

¹The Dills Act is codified at Government Code section 3512 et seq. Section 3519.5 provides, in pertinent part:

It shall be unlawful for an employee organization to:

(b) Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce

In his request for reconsideration, which is opposed by California State Employees Association, Local 1000, Janowicz alleges among other things that the Board "did not review the entire record in a professional and non-biased manner." He criticizes the handling of the case by a Board agent and attempts to revisit the issues of fact and law raised in his exceptions to the underlying decision.

DISCUSSION

PERB Regulation 32410 (a) states, in pertinent part:

The grounds for requesting reconsideration are limited to claims that the decision of the Board itself contains prejudicial errors of fact, or newly discovered evidence or law which was not previously available and could not have been discovered with the exercise of reasonable diligence.

Since Janowicz cites no newly discovered evidence or law, the main issue is whether he has provided support for his claims that the Board's decision contains prejudicial errors of fact. He has not done so; in effect he is simply challenging the conclusions the Board drew from the facts presented in the record.

In prior cases, the Board has determined that reconsideration is not appropriate when a party merely restates arguments previously considered and rejected by the Board in its underlying decision. (California Faculty Association (Wang) (1988) PERB Decision No. 692a-H, p. 4; Tustin Unified School

employees because of their exercise of rights guaranteed by this chapter.

District (1987) PERB Decision No. 626a, p. 3; Riverside Unified School District (1987) PERB Decision No. 622a, p. 2.) Here, Janowicz has presented no evidence that the Board made prejudicial errors of fact; furthermore, the Board has already ruled on the issues raised by Janowicz in his request for reconsideration. Under the cases cited above, the Board finds that Janowicz's request does not meet the criteria in PERB Regulation 32410(a).

ORDER

The request for reconsideration of California State Employees Association, Local 1000 (Janowicz) (1994) PERB Decision No. 1043-S is hereby DENIED.

Chair Blair and Member Caffrey joined in this Decision.